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EXAMINER	
SOUGH, [illegible]	
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Paper No. 12

Application Number: 08/821,760
Filing Date: March 20, 1997
Appellant(s): Andrew E. MEYER, et al.

MAILED
SEP 24 1998
GROUP 2500

Alan E. Kopecki
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed September 11, 1998.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief contains a statement that there are no other appeals or interferences that relate to the Application.

(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 13 and 19, 20 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

4,113,339	ELEY	9-1978
4,793,637	LAIPPLY ET AL	12-1988

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 13, 19 and 20 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over Eley (US PAT. 4,113,339) in view of Laipply et al. (Laipply hereinafter: US PAT. 4,793,637). Eley discloses a load break bushing having an electrical terminator 12 and an electrical bushing component 30 having all of the features claimed except for a color band formed on one of the terminator and bushing component for visual indication of positive latching. However, Laipply teaches the use of color groove 46 which would be covered by a ring 48 for visual indication of positive connection between male and female parts. Thus, it would have been obvious to one of ordinary skill in the art to modify the Eley's bushing by adopting the teaching of Laipply to enhance the detection of the incomplete engagement of the connector terminals.

Regarding the claimed sizes and dimensions: It would have been an obvious matter of design choice to employ any desirable sizes and dimensions including the claimed sizes and dimensions as desired, since such a modification would have involved a mere change in the size of a component. A change in size is generally

recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

(11) Response to Argument

Appellants argue that the color band of Laipply et al. is positioned at the bottom of an annular groove and the color band will not be flush with the surface in which the groove is formed and a view thereof will be obstructed. However, it is of no moment that the color band of Laipply et al. is positioned at the bottom of an annular groove and the color band will not be flush with the surface in which the groove is formed and a view thereof will be obstructed, as appellants mention, for Laipply et al. are being relied upon **solely for their teaching of a common manner of using a color band to male and female connectors to provide a visual indication of the degree of interconnection.** Further, Laipply et al. disclose the color band applied to the male connector and, once full connection is achieved, an operator cannot observe the color (i.e. the color band becomes completely covered, see col. 4, lines 35-39). Of course, in view of the teaching of Laipply et al., it would have been within the level of ordinary skill in the art to apply color band to a male connector (i.e., a tongue). Further, it would have within the

level of ordinary skill in the art to apply any desirable shape of the color band at any desirable location including the claimed shape (i.e., flush with the surface in which the color band is applied) and the location, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Hyung-Sub Sough
Primary Examiner

shs
September 23, 1998

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